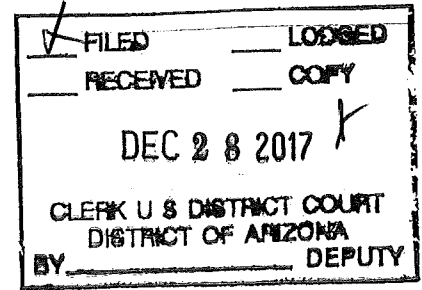


~~Case: 17-11378, Document: 4-21, Filed: 12/28/2017 Page 11 of 12~~

Appeal Form No. 1

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA****MEMORANDUM**

TO: Bankruptcy Appellate Panel of the Ninth Circuit
125 S. Grand Avenue
Pasadena, California 91105

FROM: Division / District/Office No.: 0970-2 / Phoenix

DATE: December 22, 2017

CV-17-04795-PHX-JJT

SUBJECT: Transmittal

Case Name: Erik Samuel De Jong and Daryl Lynn De Jong

Bankruptcy No.: 2:14-bk-00886-PS

Adversary No.: n/a

Bankruptcy Judge: Paul Sala

Date Notice of Appeal Filed: 12/19/2017

Date Motion for Leave to Appeal Filed:

Date of Entry of Order Appealed: 12/6/2017

Date Bankruptcy Filed: 1/23/2014

Date Notice of Appeal and Notice of
Objection Period Mailed to Parties: December 22, 2017

Appeal Fee Paid: YES

Date of Transmittal: December 22, 2017

George Prentice, Clerk of Court

By: KAYLA COLASONT
Deputy Clerk

~~Case: 17-1378, Document: 4-2, Filed: 12/28/2017 Page 2 of 12~~UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In Re Erik Samuel De Jong and Daryl Lynn De Jong	
	Debtor(s)
Erik Samuel De Jong and Daryl Lynn De Jong	
	Appellant(s)
v.	
ESTATE OF HUGO N VAN VLIET	
	Appellee(s)

Chapter 11

Case No. 2:14-bk-00886-PS

Adv. n/a

**NOTICE OF FILING OF APPEAL AND NOTICE
OF REFERRAL OF APPEAL TO THE
BANKRUPTCY APPELLATE PANEL**

YOU ARE HEREBY NOTIFIED that a Notice of Appeal has been filed on 12/19/2017 with the Clerk of the U.S. Bankruptcy Court. By virtue of Orders of the Judicial Council of the Ninth Circuit, the above appeal has been referred to the United States Bankruptcy Appellate Panel of the Ninth Circuit (BAP).

Any party desiring to object to such referral must do so in conformity with the foregoing orders and their provisions for reference to the BAP.

Local rules for the BAP and a practice manual are located on their website at www.bap09.uscourts.gov.

For further information, you may contact the Clerk of the Bankruptcy Appellate Panel at 125 S. Grand Avenue, Pasadena, California 91105, telephone (626) 229-7225.

NOTICE IS GIVEN TO THE APPELLANT that the Appellant shall, within 14 days of the filing of the Notice of Appeal, (see above), file with the Clerk of the U.S. Bankruptcy Court, the following:

1. A designation of the items to be included in the record on appeal and serve a copy on all appellees;
2. A statement of the issues to be presented and serve a copy on all appellees; and
3. A request for any transcripts where the designation includes a transcript of any proceeding or a part thereof. The party requesting transcripts must follow the court's ordering procedures.

Dated: December 22, 2017

GEORGE PRENTICE, CLERK OF COURT

By: KAYLA COLASONT
Deputy Clerk

Copies to be noticed by the BNC.

**United States Bankruptcy Court
District of Arizona**

APPEALS - ORDERING AN OFFICIAL TRANSCRIPT

If you have filed an appeal and designated a transcript of a hearing as part of the record on appeal, you will need to follow the steps below to obtain an official transcript:

1. Determine the date of the hearing.
2. Determine whether you need a transcript.
3. Determine if the transcript is already on file by reviewing the case docket or you may call the court for assistance.
4. Ordering a transcript requires an advanced deposit. The deposit and price for the transcript will vary as it depends upon the estimated length of the hearing and turn-around time requested.
5. To order a transcript, please contact the ECR Operator Team who will advise you of the procedures for ordering a transcript and for making payment.
6. The court uses an independent transcription company to prepare official transcripts.
7. At the time the transcription company provides you with a transcript, a copy is filed with the court; therefore, it is not necessary for you to file a copy.
8. Reminder: If you have designated a transcript of a court proceeding in your appeal documents, it is your responsibility to order it from the Bankruptcy Court ECR Operator Team. The order should be placed at the time you file the Statement of Issues and Designation of Record.

Contact Information:

ECR Operator Team – Phoenix, Prescott, Flagstaff, Bullhead City	602-682-4200
ECR Operator Team – Tucson	520-202-7556
ECR Operator Team – Yuma	602-682-4961

Case: 17-13768, Document: 4-21, Filed: 12/28/2017 Page 4 of 12

1 Law Offices of
2 **MICHAEL W. CARMEL, LTD.**
3 80 East Columbus Avenue
4 Phoenix, Arizona 85012-2334
5 Telephone: (602) 264-4965
6 Arizona State Bar No. 007356
7 Facsimile: (602) 277-0144
8 E-mail: Michael@mcarmellaw.com

9 Attorney for Debtors

10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 In re:

13 ERIK SAMUEL de JONG and
14 DARYL LYNN de JONG,

15 Debtors.

Chapter 11 Proceedings

Case No. 2:14-bk-00886-PS

16 **NOTICE OF APPEAL**
17 **AND**
18 **STATEMENT OF ELECTION**

19 **Part 1: Identify the Appellants**

20 1. Names of Appellants:

21 Erik Samuel de Jong and Daryl Lynn de Jong

22 2. Position of Appellants in the adversary proceeding or bankruptcy case that
23 is the subject of the appeal:

24 Debtors

25 **Part 2: Identify the Subject of this Appeal**

26 1. Describe the judgment, order, or decree appealed from:

27 **Order Re: Objection to Proof of Claim #7 [Docket #837] (Attached)**

28 2. State the date on which the judgment, order, or decree was entered:

December 6, 2017

Case: 117-113788, Document: 41-21, Filed: 12/28/2017 Page 5 of 12

Part 3: Identify the Other Party to the Appeal

1. Party: Estate of Hugo N. Van Vliet
- Attorney: Benjamin Reeves, Esq.
Snell & Wilmer
One Arizona Center
400 East Van Buren, #1900
Phoenix, Arizona 85004-2202
Email: breeves@swlaw.com
Telephone: (602) 382-6506

Part 4: Optional Election to Have Appeal Heard by District Court

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an Appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the Appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☐ Appellants elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel

Part 5: Sign Below:



Date: December 19, 2017

Signature of Attorney for Appellants

Name, address, and telephone number of attorney:

Michael W. Carmel, Esq.
Michael W. Carmel, Ltd.
80 E. Columbus Avenue
Phoenix, Arizona 85012
Telephone: (602) 264-4965
Email: michael@mcarmellaw.com

Case: 17-1378, Document: 4-2, Filed: 12/28/2017 Page 6 of 12

1 COPIES of the foregoing served by
2 U.S. Mail this 19th day of December, 2017
3 to the following:

4 Christopher J. Pattock Esq.
5 United States Trustee
6 230 North First Avenue
7 Suite 204
8 Phoenix, Arizona 85003

9 Benjamin Reeves, Esq.
10 **Snell & Wilmer**
11 One Arizona Center
12 400 East Van Buren, #1900
13 Phoenix, Arizona 85004-2202
14 Email: breeves@swlaw.com

15 By Sharon D. Kirby
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Case: 17-13378, Document: 4-21, Filed: 12/28/2017 Page 7 of 12

SIGNED.

Dated: December 6, 2017



Paul Sala
Paul Sala, Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In Re:

ERIK SAMUEL DE JONG
DARYL LYNN DE JONG
a/k/a VALKYRIE DAIRY,

Debtors.

Proceedings Under Chapter 11

Case No. 2:14-bk-00886-PS

ORDER

Related Dkt: 823, 834

The Court, upon consideration of the Debtors' Motion for Relief from Order re: Objection to Proof of Claim #7 [Dkt. 823] (the "Motion") filed by Erik Samuel De Jong and Daryl Lynn De Jong, a/k/a Valkyrie Dairy (the "Debtors"), for the reasons stated on the record at a hearing held on December 5, 2017,

IT IS HEREBY ORDERED denying the Motion.**DATED AND SIGNED ABOVE.**

Snell & Wilmer
LLP
LAW OFFICES
Office Address

~~Case: 17-13783, Document: 4-21, Filed: 12/28/2017 Page 8 of 12~~**Notice Recipients**District/Off: 0970-2
Case: 2:14-bk-00886-PSUser: colasonk
Form ID: pdf008Date Created: 12/22/2017
Total: 7**Recipients of Notice of Electronic Filing:**

ust	U.S. TRUSTEE	USTPRegion14.PX.ECF@USDOJ.GOV
aty	BENJAMIN WILLIAM REEVES	breeves@swlaw.com
aty	EDWARD K. BERNATAVICIUS	edward.k.bernatavicius@usdoj.gov

TOTAL: 3

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Erik Samuel De Jong	20646 West Elliott Road	Buckeye, AZ 85326
jdb	Daryl Lynn De Jong	20646 West Elliott Road	Buckeye, AZ 85326
12921118	ESTATE OF HUGO N VAN VLIET	GARY GENSKE ADMINISTRATOR	C/O GARY
	GENSKE	1835 NEWPORT BL., D-263	COSTA MESA CA 92627
	BENJAMIN REEVES ESQ	SNELL & WILMER	ONE ARIZONA CENTER
	BUREN #1900	PHOENIX, AZ 85004-2202	400 EAST VAN

TOTAL: 4

Case: 117-11378, Document: 4-2, Filed: 12/28/2017 Page 9 of 12

1 Law Offices of
2 **MICHAEL W. CARMEL, LTD.**
3 80 East Columbus Avenue
4 Phoenix, Arizona 85012-2334
5 Telephone: (602) 264-4965
6 Arizona State Bar No. 007356
7 Facsimile: (602) 277-0144
8 E-mail: Michael@mcarmellaw.com

9 Attorney for Debtors

10 **IN THE UNITED STATES BANKRUPTCY COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 In re:

13 **ERIK SAMUEL de JONG and**
14 **DARYL LYNN de JONG,**

15 Debtors.

Chapter 11 Proceedings

Case No. 2:14-bk-00886-PS

16 **NOTICE OF APPEAL**
17 **AND**
18 **STATEMENT OF ELECTION**

19 **Part 1: Identify the Appellants**

20 1. Names of Appellants:

21 Erik Samuel de Jong and Daryl Lynn de Jong

22 2. Position of Appellants in the adversary proceeding or bankruptcy case that
23 is the subject of the appeal:

24 Debtors

25 **Part 2: Identify the Subject of this Appeal**

26 1. Describe the judgment, order, or decree appealed from:

27 **Order Re: Objection to Proof of Claim #7 [Docket #837] (Attached)**

28 2. State the date on which the judgment, order, or decree was entered:

December 6, 2017

Part 3: Identify the Other Party to the Appeal

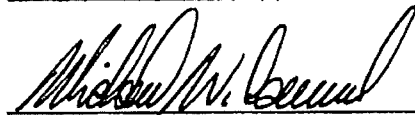
1. Party: Estate of Hugo N. Van Vliet

Attorney: Benjamin Reeves, Esq.
Snell & Wilmer
One Arizona Center
400 East Van Buren, #1900
Phoenix, Arizona 85004-2202
Email: breeves@swlaw.com
Telephone: (602) 382-6506

Part 4: Optional Election to Have Appeal Heard by District Court

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an Appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the Appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☐ Appellants elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel

Part 5: Sign Below:

Date: December 19, 2017

Signature of Attorney for Appellants

Name, address, and telephone number of attorney:

Michael W. Carmel, Esq.
Michael W. Carmel, Ltd.
80 E. Columbus Avenue
Phoenix, Arizona 85012
Telephone: (602) 264-4965
Email: michael@mcarmellaw.com

1 COPIES of the foregoing served by
2 U.S. Mail this 19th day of December, 2017
3 to the following:

4 Christopher J. Pattock Esq.
5 United States Trustee
6 230 North First Avenue
7 Suite 204
8 Phoenix, Arizona 85003

9 Benjamin Reeves, Esq.
10 Snell & Wilmer
11 One Arizona Center
12 400 East Van Buren, #1900
13 Phoenix, Arizona 85004-2202
14 Email: breeves@swlaw.com

15 By Sharon D. Kirby
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Case 1:17-bk-00886-PS Document 1 Filed 12/28/17 Page 12 of 12
 SIGNED.

Dated: December 6, 2017



Paul Sala
 Paul Sala, Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF ARIZONA

In Re:

ERIK SAMUEL DE JONG
 DARYL LYNN DE JONG
 a/k/a VALKYRIE DAIRY,

Debtors.

Proceedings Under Chapter 11

Case No. 2:14-bk-00886-PS

ORDER

Related Dkt: 823, 834

The Court, upon consideration of the Debtors' Motion for Relief from Order re: Objection to Proof of Claim #7 [Dkt. 823] (the "Motion") filed by Erik Samuel De Jong and Daryl Lynn De Jong, a/k/a Valkyrie Dairy (the "Debtors"), for the reasons stated on the record at a hearing held on December 5, 2017,

IT IS HEREBY ORDERED denying the Motion.

DATED AND SIGNED ABOVE.

Snell & Wilmer
 LLP
 LAW OFFICES
 Office Address

Benjamin W. Reeves (#025708)
 James G. Florentine (#034058)
 SNELL & WILMER L.L.P.
 One Arizona Center
 400 E. Van Buren St., Ste. 1900
 Phoenix, AZ 85004-2202
 Telephone: (602) 382-6000
 Email: breeves@swlaw.com
jflorentine@swlaw.com
 Attorneys for Gary Genske as
 Administrator of the Estate of Hugo N.
 Van Vliet

**UNITED STATES BANKRUPTCY APPELLATE PANEL
 OF THE NINTH CIRCUIT**

In Re:

ERIK SAMUEL de JONG and
 DARYL LYNN de JONG,

 Debtors.

BAP No. AZ-17-1378

Proceedings Under Chapter 11

Bankr. Case No. 2:14-bk-00886-PS

**OPTIONAL APPELLEE
 STATEMENT OF ELECTION TO
 PROCEED IN DISTRICT COURT**

ERIK SAMUEL de JONG and
 DARLYN LYNN de JONG,

 Appellants,

v.

ESTATE OF HUGO N. VAN VLIET,

 Appellee.

Pursuant to 28 U.S.C. § 158(c)(1)(B) and Federal Rule of Bankruptcy
 Procedure 8005(a), Appellee the Estate of Hugo N. Van Vliet hereby elects to have
 this appeal of the “Order Re: Objection to Proof of Claim #7” entered on December
 6, 2017 heard by the United States District Court for the District of Arizona.

Part 1: Identify the Appellee

1. Name of Appellee:

Snell & Wilmer

L.L.P.
 LAW OFFICES
 One Arizona Center, 400 E. Van Buren
 Phoenix, Arizona 85004-2202
 (602) 382-6000

1 Estate of Hugo N. Van Vliet

2 2. Position of Appellee in the adversary proceeding or bankruptcy that is the
3 subject of this appeal:
4

5 Creditor

6 **Part 2: Election to Have This Appeal Heard by the District Court**

7
8 Appellee elects to have this appeal heard by the United States District Court
9 for the District of Arizona rather than by the Bankruptcy Appellate Panel.

10
11 RESPECTFULLY SUBMITTED this 27th day of December, 2017.

12 SNELL & WILMER L.L.P.

13
14 By: /s/ Benjamin W. Reeves

15 Benjamin W. Reeves
16 James G. Florentine
17 One Arizona Center
18 400 E. Van Buren St., Ste. 1900
19 Phoenix, AZ 85004-2202
20 Attorneys for Gary Genske as
21 Administrator of the Estate of Hugo N.
22 Van Vliet
23
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CERTIFICATE OF SERVICE

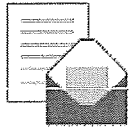
I hereby certify that on December 27, 2017, I electronically filed the foregoing document with the Clerk of the Court for the Bankruptcy Appellate Panel for the Ninth Circuit by using the CM/ECF system.

I further certify that parties of record to this appeal who either are registered CM/ECF users, or who have registered for electronic notice, or who have consented in writing to electronic service, will be served through the CM/ECF system. The parties served by this method are:

Michael W. Carmel
Law Offices of Michael W. Carmel, LTD.
80 E. Columbus Ave.
Phoenix, AZ 85012
michael@mcarmellaw.com
Attorney for Debtors/Appellants

/s/Benjamin W. Reeves

Snell & Wilmer
LLP
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000



**Fw: Re-send: 17-1378 Erik De Jong, et al v. Estate of Hugo N. Van Vliet
"Notice to District Court" (2:14-bk-00886-PS)**

AZDdb_Appeals to: AZDml_Clerk Customer Service Phoenix
Sent by: Linda Patton

12/29/2017 07:01 AM

----- Forwarded by Linda Patton/AZD/09/USCOURTS on 12/29/2017 07:00 AM -----

From: BAPCA09Filings@ca9.uscourts.gov
To: azddb_phxappeals@azd.uscourts.gov
Date: 12/28/2017 06:46 PM
Subject: Re-send: 17-1378 Erik De Jong, et al v. Estate of Hugo N. Van Vliet "Notice to District Court"
(2:14-bk-00886-PS)

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

U. S. Bankruptcy Appellate Panel for the Ninth Circuit

Amended 12/28/2017 17:45:34: Notice of Docket Activity

The following transaction was entered on 12/28/2017 at 5:42:44 PM PST and filed on 12/28/2017

Case Name: Erik De Jong, et al v. Estate of Hugo N. Van Vliet
Case Number: 17-1378
Document(s): Document(s)

Docket Text:

Notice sent 12/28/2017 to District Court transferring appeal per objection. (PI)

Notice will be electronically mailed to:

DistCt, Phoenix

Case participants listed below will not receive this electronic notice:

DistCt, Phoenix
District of Arizona (Phoenix)
130 Sandra Day O'Connor United States Courthouse
401 West Washington Street

Phoenix, AZ 85003-2146

The following document(s) are associated with this transaction:

Document Description: District Court Notice Sent

Original Filename:

/opt/ACECF/bap-live/forms/PattiIppolito_171378_502579_DistrictCourtNoticeSent_104.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=12/28/2017] [FileNumber=502579-2]

[58a5797f089bd856552fc59ad59fe337f848be9ecad23c0173377a7074215f11af0dab47bae36d7369360aa7963d70fce5a22212dc57bc3640bfc70bad2e6da8]]

Recipients:

- DistCt, Phoenix

Document Description: noa

Original Filename: dejongnoa1378.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=12/28/2017] [FileNumber=502579-0]

[0efecabc923b67b13d8a98e0b081a7f79e4823c4bf0ef4cefc0d9bbbe160793e13763677dff5c3976640b2c49a0a01f202a0241ab1a96a681e9e9cea4b3c05a4]]

Document Description: objection

Original Filename: dejongobj1378.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=12/28/2017] [FileNumber=502579-1]

[934e7796880075d4982eca3d1a4c423f041a1d8d807c0ff68702c92000615e58d2a29a244e2770bf b54a289def8df38f2fb6526a5273f7ed367114ace5983051]]

**U.S. Bankruptcy Appellate Panel
of the Ninth Circuit**

125 South Grand Avenue, Pasadena, California 91105
Appeals from Central California (626) 229-7220
Appeals from all other Districts (626) 229-7225

In Re: ERIK SAMUEL DE JONG and
DARYL LYNN DE JONG

BAP No.: AZ-17-1378

Bk. Ct. No.: 2:14-bk-00886-PS

ADV. NO.:

NOTICE OF TRANSFER OF APPEAL TO DISTRICT COURT

A party to the appeal has timely filed an objection to the disposition of this matter by the Bankruptcy Appellate Panel. See 28 USC Section 158. Consequently, this appeal is herewith transferred to U.S. District Court.

Please acknowledge receipt of the case file listed above by signing and returning a copy of this transmittal form.

Susan M Spraul, BAP Clerk

By: Patti Ippolito, Deputy Clerk
Date: December 28, 2017

Please acknowledge receipt of
the case file listed above.

Dated: _____

Signed: _____
District Court Deputy

Assigned District Court No.

cc: Bankruptcy Court
All Parties